

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

DANNY SNIDER,

RESPONDENT,

vs.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION,

APPELLANT.

DOCKET NUMBER WD73543

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: November 8, 2011

Appeal from:

The Circuit Court of Saline County, Missouri
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, P.J., Victor C. Howard and James Edward Welsh, JJ.

Attorneys:

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Attorneys for Respondent,

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**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DANNY SNIDER,

RESPONDENT

v.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION,

APPELLANT

WD73543

Saline County, Missouri

Before Division Two: Mark D. Pfeiffer, P.J., Victor C. Howard and James Edward Welsh, JJ.

Danny Snider's employment with the Missouri Department of Transportation was terminated effective June 1, 2009, after it was determined that he made two comments in the workplace that violated the Department's policies. The Missouri Highways and Transportation Commission sustained the termination of Snider's employment. Snider sought judicial review, and the circuit court reversed the Commission's decision. The Commission appeals.

REVERSED AND REMANDED WITH INSTRUCTIONS.

Division Two holds:

The competent and substantial evidence showed that another employee of the Department was upset when Snider referred to her as "a bitch" and felt threatened when Snider made a statement to the effect of "I guarantee I will take down anyone who takes me down." The Department reasonably determined that the comments violated Department personnel policies in that Snider's first comment was a gender-based insult, and his second comment could have intimidated others in the workplace from reporting his behavior. The evidence further showed that the Department had concerns regarding Snider's ability to work with others and believed that his inappropriate and disruptive behavior warranted termination. Where there was competent and substantial evidence to support the Commission's determination that Snider's termination was for the good of the service, we must affirm the Commission's decision. Therefore, the circuit court's judgment is reversed, and the case is remanded with instructions to reinstate the Commission's decision.

Opinion by: Victor C. Howard, Judge

Date: November 8, 2011

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